

REMARKS

Claims 20-22, 24-26, 34-35 are pending in the application.

Claims 1-19, 23, 27-33 are cancelled.

Specification

The specification is objected to because of the term "stamped gap"; this term has been changed to "stamped spacing" as examiner has stated that this term is acceptable (page 14 of the last office action, last paragraph).

Claim Rejections - 35 U.S.C. 112

Claims 20-22, 24-26, 34-35 stand rejected under 35 U.S.C. 112, 1st paragraph, as failing to comply with the written description requirement. The examiner objects to the wording "stacked flat on top one another" and "without being folded".

This wording has been eliminated from the claims.

Claims 24, 25, 27-33 stand rejected under 35 U.S.C. 112, 2nd paragraph, as being indefinite. The examiner has objected to "several of the at least one dividing line". Applicant has adopted the wording suggested by the examiner, i.e., now simply "several dividing lines" is used in the claims.

Rejection under 35 U.S.C. 102

Claims 27, 28, 30, 32 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Grawey et al.* (US 5,055,734).

Claims 27, 28, 30, 32 stand rejected under 35 U.S.C. 102(b) as being anticipated by *Swanson et al.* (US 5,155,409).

Claims 27, 28, 30, 32 are canceled.

Rejection under 35 U.S.C. 103

Claim 31 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Grawey et al.* (US 6,066,933) and *Bechtel et al.* (US 6,402,328).

Claim 31 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Swanson et al.* (US 5,155,409) and *Bechtel et al.* (US 6,402,328).

Claim 31 is canceled.

Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Grawey et al.* (US 6,066,933) and *Abbott* (US 4,499,566).

Claim 33 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Swanson et al.* (US 5,155,409) and *Abbott* (US 4,499,566).

Claim 33 is canceled.

Claim 29 stands rejected under 35 U.S.C. 103(a) as being unpatentable over *Swanson et al.* (US 5,155,409).

Claim 29 is canceled.

Claims 20-22 and 24-26

Examiner has removed the prior art rejection to the stacked film arrangement of the claims 20-22 and 24-26 but cautioned that the lack of written description for the terms remains an issue.

In order to avoid the written description issue, applicant has now amended the claim 20 in such a way that the stamped films are now defined as at least one stamped anode film and at least one stamped cathode film that each have a stamped perforation pattern defining at least one dividing line and predetermining the edges of cut for future separation into individual elements. The least one dividing line is interrupted in a regular pattern by webs, wherein the webs each have a width that is, on average, less than an average spacing between two adjacently positioned ones of the webs, respectively. The stamped anode and cathode films are stacked on top one another with interposition of a separator film that electronically separates the stamped anode and cathode films. The stamped anode and cathode films with interposed separator film are superimposed in a staggered arrangement relative to one another such that the webs of the at least one stamped anode film and the webs of the at least one stamped cathode film are not superimposed. The stacked film arrangement forms a compound film.

Disclosure in regard to cathode and anode film can be found in the specification in the paragraph bridging pages 4 and 5 as well as in the paragraph bridging pages 5 and 6.

In regard to the term "compound film" it is believed that this feature establishes stacked films placed essentially flat or sheet-like on top one another as shown in the drawings and as disclosed in the specification in connection with the processing of the film (roll to roll processing; lamination; see paragraph bridging pages 1 and 2; 2nd paragraph of page 2; 1st full paragraph of page 3). Please note that the term "compound film" is found in the title of the application and has also been used in the abstract of the WO publication. Unfortunately, in the specification the order of the two words has been reversed ("film compound" instead of "compound film") but the meaning is apparent from the disclosure: a (laminated or joined otherwise) film that is composed of or produced from several individual films (see page 2, 2nd and 3rd paragraphs, of the specification, especially the last two lines of page 2).

The cited prior art references *Grawey et al. (US 5,055,734)* or *Swanson et al. (US 5,155,409)* or *Mitarai et al. (US2002/0053860)* all relate to piezoelectric stacks where electrodes are arranged between piezoelectric material. They do not show a stacked film arrangement that forms a compound film and

- comprises at least one stamped anode film and at least one stamped cathode film each having a stamped perforation pattern defining at least one dividing line and predetermining the edges of cut for future separation into individual elements;
- wherein the at least one dividing line is interrupted in a regular pattern by webs, wherein the webs each have a width that is, on average, less than an average spacing between two adjacently positioned ones of the webs, respectively;
- wherein the stamped anode and cathode films are stacked on top one another with interposition of a separator film that electronically separates the stamped anode and cathode films;
- wherein the stamped anode and cathode films are superimposed in a staggered arrangement relative to one another such that the webs of the at least one stamped anode film and the webs of the at least one stamped cathode film are not superimposed.

It is therefore respectfully submitted that the claims 20-22 and 24-26 as well as 34-35 are allowable.

CONCLUSION

In view of the foregoing, it is submitted that this application is now in condition for allowance and such allowance is respectfully solicited.

Should the Examiner have any further objections or suggestions, the undersigned would appreciate a phone call or **e-mail** from the examiner to discuss appropriate amendments to place the application into condition for allowance.

Authorization is herewith given to charge any fees or any shortages in any fees required during prosecution of this application and not paid by other means to Patent and Trademark Office deposit account 50-1199.

Respectfully submitted on September 24, 2009.

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